United Nations S/PRST/2017/21

Security Council

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Statement by the President of the Security Council

At the 8082nd meeting of the Security Council, held on 31 October 2017, in connection with the Council's consideration of the item entitled "Children and armed conflict", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council welcomes the enhanced engagement of the Secretary-General with parties outlined in the 16th report of the Secretary-General (S/2017/821) on children and armed conflict.

"The Security Council takes note of the 16th report of the Secretary-General (S/2017/821) on children and armed conflict and the recommendations contained therein and welcomes the positive developments referred to in the report and, reiterates its will to address the continuing challenges in the implementation of its resolutions and presidential statements on children and armed conflict reflected therein.

"The Security Council reiterates its primary responsibility for the maintenance of international peace and security in accordance with the Charter of the United Nations and, in this connection, its commitment to address the widespread impact of armed conflict on children.

"The Security Council remains convinced that the protection of children in armed conflict should be an important aspect of any comprehensive strategy to resolve conflict and sustain peace and stresses also the importance of adopting a broad strategy of conflict prevention, which addresses the root causes of armed conflict in a comprehensive manner in order to enhance the protection of children on a long-term basis.

"The Security Council acknowledges that its resolutions, their implementation and the Statements of its President on children and armed conflict as well as the conclusions of the Security Council Working Group on Children and Armed Conflict have generated progress in preventing and responding to violations and abuses committed against children, in particular in the demobilization, rehabilitation and reintegration of thousands of children, the signing of action plans by parties to armed conflict and the delisting of parties to conflict from the Annexes to the Secretary-General's annual report.

"The Security Council reiterates further its strong condemnation of all violations of applicable international law involving the recruitment and use of children by parties to armed conflict as well as their re-recruitment, killing and maiming, rape and other forms of sexual violence, abductions, attacks against

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schools and hospitals as well as denial of humanitarian access by parties to armed conflict and all other violations of international law, including international humanitarian law, human rights law and refugee law, committed against children in situations of armed conflict and demands that all relevant parties immediately put an end to such practices and take special measures to protect children.

"The Security Council remains however deeply concerned over the lack of progress on the ground in some situations of concern, where parties to conflict continue to violate with impunity the relevant provisions of applicable international law relating to the rights and protection of children in armed conflict.

"The Security Council expresses grave concern at the scale and severity of the violations and abuses committed against children in 2016, as documented in the report of the Secretary-General (S/2017/821) on children and armed conflict, which included alarming levels of killing and maiming of children, recruitment and use of children, including by the use of children as human shields and the increasing use of children as suicide bombers, and, in certain situations, denial of humanitarian access to children.

"The Security Council expresses deep concern about the high number of children killed or maimed, including as a direct or indirect result of hostilities between parties to armed conflict and of incidents of indiscriminate attacks against civilian populations, including those involving aerial bombardment, as documented in the report and calls on all parties to respect their obligations under international humanitarian law, in particular the principles of distinction and proportionality.

"The Security Council urges parties to conflict to take all feasible precautions to protect the civilian population and civilian objects under their control against the effects of attacks in accordance with their obligations under international humanitarian law.

"The Security Council calls upon all parties to armed conflict to allow and facilitate safe, timely and unhindered humanitarian access to children, respect the exclusively humanitarian nature and impartiality of humanitarian aid and respect the work of all United Nations humanitarian agencies and their humanitarian partners, without distinction.

"The Security Council recalls the importance of ensuring that children continue to have access to basic services during the conflict and post-conflict periods, including, inter alia, education and health care.

"The Security Council reiterates its deep concern about attacks as well as threats of attacks in contravention of applicable international law against schools and/or hospitals, and protected persons in relation to them as well as the closure of schools and hospitals in situations of armed conflict as a result of attacks and threats of attacks and urges all parties to armed conflict to refrain from actions that impede children's access to education and to health services.

"The Security Council expresses deep concern at the military use of schools in contravention of applicable international law, recognizing that such use may render schools legitimate targets of attack, thus endangering children's and teachers' safety as well as children's education and in this regard:

(a) Urges all parties to armed conflict to respect the civilian character of schools in accordance with international humanitarian law;

(b) Encourages Member States to consider concrete measures to deter the use of schools by armed forces and armed non-State groups in contravention of applicable international law;

(c) Urges Member States to ensure that attacks on schools in contravention of international humanitarian law are investigated and those responsible duly prosecuted;

(d) Calls upon United Nations country-level task forces to enhance the monitoring and reporting on the military use of schools.

"The Security Council stresses the primary role of Governments in providing protection and relief to all children affected by armed conflict, and reiterates that all actions undertaken by United Nations entities within the framework of the monitoring and reporting mechanism must be designed to support and supplement, as appropriate, the protection and rehabilitation roles of national Governments.

"The Security Council recognizes the important roles that local leaders and civil society networks can play in enhancing community-level protection and rehabilitation, including non-stigmatization, for children affected by armed conflict.

"The Security Council notes that reference to a situation in the report of the Secretary-General on children and armed conflict is not a legal determination, within the context of the Geneva Conventions and the Additional Protocols thereto, and that reference to a non-State party does not affect its legal status.

"The Security Council emphasizes the responsibility of all States to put an end to impunity and to investigate and prosecute those responsible for genocide, crimes against humanity, war crimes and other egregious crimes including when perpetrated against children and takes notes in this regard of the contribution of the international criminal justice system, ad hoc and mixed tribunals as well as specialized chambers in national tribunals.

"The Security Council recalls that all parties to armed conflict must comply strictly with the obligations applicable to them under international law for the protection of children in armed conflict, including those contained in the Geneva Conventions of 12th August 1949 and the Additional Protocols of 1977 as well as in the Convention on the Rights of the Child and its Optional Protocol on the involvement of Children in armed conflict, and welcomes the steps taken by a number of Member States to make commitments to protect children affected by armed conflict, including through the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

"The Security Council takes note of on-going international and regional initiatives on Children and Armed Conflict, including the international conference held in Paris in 2007 and the follow-up conference held in Paris in 2017.

"The Security Council remains gravely concerned by the human rights abuses and violations of international humanitarian law committed by all non-state armed groups, including those who commit acts of terrorism, including mass abductions, rape and other forms of sexual violence such as sexual slavery, particularly targeting girls, which can cause displacement and affect

access to education and healthcare services, and emphasizing the importance of accountability for such abuses and violations.

"The Security Council stresses the need to enhance efforts to prevent the recruitment and use of children by all non-state armed groups, including those who commit acts of terrorism, and calls for Member States to exchange good practices to this effect.

"The Security Council remains gravely concerned also by the detrimental effects of the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons on children in armed conflict, in particular due to recruitment and use of children by parties to armed conflict, as well as their re-recruitment, killing and maiming, rape and other sexual violence, abductions, attacks on schools and hospitals in violation of international law.

"The Security Council stresses that the best interests of the child as well as the specific needs and vulnerabilities of children should be duly considered when planning and carrying out actions concerning children in situations of armed conflict.

"The Security Council stresses the need to pay particular attention to the treatment of children allegedly associated with all non-state armed groups, including those who commit acts of terrorism, including through establishing standard operating procedures for the rapid handover of these children to relevant civilian child protection actors.

"The Security Council emphasizes that no child should be deprived of his or her liberty unlawfully or arbitrarily and calls on all parties to conflict to cease unlawful or arbitrary detention as well as torture or other cruel, inhuman or degrading treatment or punishment imposed on children during their detention, expresses grave concern at the use of detained children for information gathering purposes, and emphasizes that children who have been recruited in violation of applicable international law by armed forces and armed groups and are accused of having committed crimes during armed conflicts should be treated primarily as victims of violations of international law, and urges Member States to comply with applicable obligations under the Convention on the Rights of the Child, and encourages access for civilian child protection actors to children deprived of liberty for association with armed forces and armed groups.

"The Security Council encourages Member States to consider non-judicial measures as alternatives to prosecution and detention that focus on the rehabilitation and reintegration for children formerly associated with armed forces and armed groups taking into account that deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period of time, as well as to avoid wherever possible the use of pretrial detention for children, and calls on Member States to apply due process for all children detained for association with armed forces and armed groups is respected.

"The Security Council recognizes the importance of providing timely and appropriate reintegration and rehabilitation assistance to children affected by armed conflict, while ensuring that the specific needs of girls as well as children with disabilities are addressed, including access to health care, psychosocial support, and education programmes that contribute to the well-being of children and to sustainable peace and security.

"The Security Council urges concerned Member States, when undertaking security sector reforms, to mainstream child protection, such as

the inclusion of child protection in military training and standard operating procedures, including on the handover of children to relevant civilian child protection actors, the establishment of child protection units in national security forces, and the strengthening of effective age assessment mechanisms to prevent underage recruitment, while stressing in the latter regard the importance of ensuring universal birth registration, including late birth registration which should remain an exception.

"The Security Council underlines the importance of engaging armed forces and armed groups on child protection concerns during peace talks and in the peacebuilding process and calls upon Member States, United Nations entities, the Peacebuilding Commission, and other parties concerned to integrate that child protection provisions, including those relating to the release and reintegration of children formerly associated with armed forces or armed groups into all peace negotiations, ceasefire and peace agreements, and in provisions for ceasefire monitoring.

"The Security Council further calls upon Member States, United Nations entities, including the Peacebuilding Commission and other parties concerned to ensure that post-conflict recovery and reconstruction planning, programs and strategies prioritize issues concerning children affected by armed conflict.

"The Security Council recognizes the role of United Nations peacekeeping operations and political missions in the protection of children, particularly the crucial role of child protection advisers in mainstreaming child protection and leading monitoring, prevention and reporting efforts in missions, and in this regard reiterates its decision to continue the inclusion of specific provisions for the protection of children in the mandates of all relevant United Nations peacekeeping operations and political missions, encourages deployment of child protection advisers to such missions, and calls upon the Secretary-General to ensure that the need for and the number and roles of such advisers are systematically assessed during the preparation and renewal of each United Nations peacekeeping operation and political mission, and that they are speedily recruited, timely deployed, and properly resourced where appointed, and encourages the United Nations Secretariat, including DPKO and DPA, to take into account child protection when briefing the Council on country-specific situations.

"The Security Council calls for the continued implementation by United Nations peacekeeping operations of the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of their personnel with the United Nations code of conduct, reiterates its request to the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop- and police contributing countries to continue taking appropriate preventive action, such as mandatory pre-deployment child protection training including on sexual exploitation and abuse, and to ensure full accountability in cases of such conduct involving their personnel.

"The Security Council welcomes the continued strengthening of the Monitoring and Reporting mechanism as requested by its resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2143 (2014) and 2225 (2015) and commends the role of UNICEF and other UN entities at the field level in the collection of information on violations and abuses committed against children, in the preparation and implementation of action plans as well as in the implementation of the conclusions of its Working Group on Children and Armed Conflict. In this regard, the Council further encourages the Secretary-

General to ensure that adequate child protection expertise is available to the Resident Coordinator in situations listed in the annexes of the annual reports of the Secretary-General on Children and Armed Conflict.

"The Security Council reiterates its request to the Secretary-General to ensure that, in all his reports on country specific situations, the matter of children and armed conflict is included as a specific aspect of the report, and expresses its intention to give its full attention to the matter of Children and Armed Conflict, including the implementation of relevant Security Council resolutions and of the recommendations of its Working Group on Children and Armed Conflict, when dealing with those situations on its agenda as well as to give specific attention to child protection issues when undertaking its relevant field visits.

"The Security Council recognizes the valuable contribution pertinent regional and sub-regional organizations and arrangements make for the protection of children affected by armed conflict. In this regard, the Security Council encourages the continued mainstreaming of child protection into the advocacy, policies, programmes and mission planning of these organizations and arrangements as well as training of personnel and inclusion of child protection staff in their peacekeeping and field operations and establishment, within their secretariats, of child protection mechanisms, including through the appointment of child protection focal points.

"The Security Council stresses the important role of the Special Representative of the Secretary-General for Children and Armed Conflict in carrying out her mandate for the protection of children in situations of armed conflict, in accordance with relevant Security Council resolutions, as well as the importance of her country visits in facilitating better coordination among United Nations partners at the field level, promoting collaboration between the United Nations and concerned Governments, enhancing dialogue with concerned Governments and parties to an armed conflict, including by negotiating action plans, securing commitments, advocating for appropriate response mechanisms and ensuring attention and follow-up to the conclusions and recommendations of the Security Council Working Group on Children and Armed Conflict.

"The Security Council encourages the Special Representative of the Secretary-General for Children and Armed Conflict, together with relevant child protection actors, to carry out lessons learned initiatives in order to compile comprehensive best practices on the children and armed conflict mandate, including practical guidance on the integration of child protection issues in peace processes.

"The Security Council stresses the importance of regular and timely consideration of violations and abuses committed against children in armed conflict, in this regard welcomes the sustained activity of its Working Group on Children and Armed Conflict and invites the Working Group to make full use of tools within its mandate to promote the protection of children affected by armed conflict, including through increasing engagement with concerned Member States, in light of ongoing discussions on enhancing compliance.

"The Security Council urges all parties concerned, including Member States, United Nations entities, as well as financial institutions to support, as appropriate, bearing in mind national ownership, the development and strengthening of the capacities of national institutions and local civil society networks for advocacy, protection and rehabilitation of children affected by armed conflict, including youth-led organizations, as well as national

accountability mechanisms with timely, sustained and adequate resources and funding

"The Security Council reiterates its determination to ensure respect for and the implementation of its resolutions and presidential statements on children and armed conflict to date, as well as respect for other international commitments and obligations for the protection of children affected by armed conflict."

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Statement by the President of the Security Council

At the 8085th meeting of the Security Council, held on 6 November 2017, in connection with the Council's consideration of the item entitled "The situation in Myanmar", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council condemns the attacks against Myanmar security forces carried out by the Arakan Rohingya Salvation Army ("ARSA") on 25 August in Rakhine State and expresses grave concern over accounts that ARSA has been responsible for human rights abuses.

"The Security Council strongly condemns the widespread violence that has taken place in Rakhine State, Myanmar, since 25 August, which has led to the mass displacement of more than 607,000 individuals, the vast majority belonging to the Rohingya community.

"The Security Council further expresses grave concern over reports of human rights violations and abuses in Rakhine State, including by the Myanmar security forces, in particular against persons belonging to the Rohingya community, including those involving the systematic use of force and intimidation, killing of men, women, and children, sexual violence, and including the destruction and burning of homes and property.

"The Security Council reaffirms its strong commitment to the sovereignty, political independence, territorial integrity, and unity of Myanmar, and *stresses* its support to the Government of Myanmar in the pursuit and consolidation of its ongoing democratic transition process, emphasising the importance of reforms to promote accountable government institutions, especially in the security and justice sectors and to build the confidence of the people of Myanmar.

"The Security Council stresses the primary responsibility of the Government of Myanmar to protect its population including through respect for the rule of law and the respect, promotion and protection of human rights.

"The Security Council calls upon the Government of Myanmar to ensure no further excessive use of military force in Rakhine State, to restore civilian administration and apply the rule of law, and to take immediate steps in accordance with their obligations and commitments to respect human rights, including the human rights of women, children, and persons belonging to vulnerable groups, without discrimination and regardless of ethnicity, religion, or citizenship status, further calls on the Government of Myanmar to implement

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measures in line with resolution 2106 (2013) to prevent and respond to incidents of sexual violence, and encourages in this regard the Government of Myanmar to work with the Special Representative on Sexual Violence in Conflict.

"The Security Council expresses further grave concern over accounts of inter-communal violence and calls upon the Government of Myanmar, to take all necessary measures to counter incitement to violence or hatred and restore peace and inter-communal harmony through dialogue, a comprehensive reconciliation process and by respecting the rule of law.

"The Security Council expresses alarm at the significantly and rapidly deteriorating humanitarian situation in Rakhine State and grave concern at the increasing number of refugees and internally displaced persons, which has a destabilising impact in the region.

"The Security Council notes the initial steps taken by the Government of Myanmar and humanitarian agencies to provide humanitarian assistance to individuals in Rakhine State, including through granting access to the World Food Programme, expresses its deep concern that humanitarian access remains severely limited and that humanitarian needs exceed the current levels of provision, and demands the Government of Myanmar to grant immediate, safe and unhindered access to United Nations agencies and their partners, as well as other domestic and international non-governmental organisations, to provide humanitarian assistance in Rakhine State, as well as to ensure the safety and security of humanitarian personnel.

"The Security Council highly commends the efforts undertaken by the Government of Bangladesh, with the assistance of the United Nations, their partners and other non-governmental organisations, to provide safety, shelter, and humanitarian assistance to those who have fled the violence, *encourages* the Government of Bangladesh to continue to do so until those who have fled the violence can return voluntarily, and in conditions of safety and dignity to their homes in Myanmar, with due regard to the principle of non-refoulement, *welcomes* states' provision of support to Bangladesh, and *encourages* states able to do so to provide further financial and logistical support to Bangladesh, the United Nations, in particular to the United Nations's Rohingya Refugee Crisis Humanitarian Response Plan, and other humanitarian partners engaged in this effort.

"The Security Council welcomes the signing of a Memorandum of Understanding on 24 October 2017 between the Governments of Myanmar and Bangladesh on the situation in Rakhine State, urges the Government of Myanmar to work with the Government of Bangladesh and the United Nations to allow the voluntary return of all refugees in conditions of safety and dignity to their homes in Myanmar, welcomes in this regard the commitment to establish of the Joint Working Group between the Governments of Myanmar and Bangladesh to implement this process, urges the Governments of Myanmar and Bangladesh to invite the United Nations High Commissioner for Refugees and other relevant international organisations to participate fully in the Joint Working Group and implementation of the returns process, further calls upon the Government of Myanmar to expedite the voluntary return of all internally displaced persons in conditions of safety and dignity to their homes in Myanmar.

"The Security Council welcomes the Government of Myanmar's decision to establish "the Union Enterprise Mechanism for Humanitarian Assistance, Resettlement, and Development in Rakhine" ("the Union Enterprise Mechanism") as well as its commitment to ensure that humanitarian assistance and development work undertaken by the Union Enterprise Mechanism is provided for the benefit

of all communities in Rakhine State without discrimination and regardless of religion or ethnicity, urges the Government of Myanmar to ensure the Union Enterprise Mechanism supports the voluntary, safe, and dignified return of displaced individuals and refugees to their homes in Rakhine States, and to allow UN agencies to operate with full access in Rakhine State.

"The Security Council *urges* the Governments of Myanmar and Bangladesh, the United Nations, and other humanitarian partners to pay special attention to the specific needs of women and girls in all assessments, planning, and delivery of humanitarian assistance and to ensure the availability of specialised medical and psychosocial services for survivors of sexual violence;

"The Security Council commends the continued efforts of countries of the region and regional organisations, in particular the Association of Southeast Asian Nations, the Organisation of Islamic Cooperation and the European Union, in providing humanitarian assistance and supporting dialogue between all relevant stakeholders.

"The Security Council calls upon the Government of Myanmar to address the root causes of the crisis in Rakhine State by respecting, promoting and protecting human rights, without discrimination and regardless of ethnicity or religion, including by allowing freedom of movement, equal access to basic services, and equal access to full citizenship for all individuals.

"The Security Council welcomes the Government of Myanmar's public commitment to implement the recommendations of the Advisory Commission on Rakhine State chaired by Dr Kofi Annan as well as the establishment of a ministerial-level committee to implement the recommendations, and urges all parts of the Government of Myanmar to work together to implement these recommendations swiftly and in full.

"The Security Council stresses the importance of undertaking transparent investigations into allegations of human rights abuses and violations, including sexual violence and abuse and violence against children, and of holding to account all those responsible for such acts to provide justice for victims.

"In this regard, the Security Council calls upon the Government of Myanmar to cooperate with all relevant United Nations bodies, mechanisms and instruments, in particular the United Nations High Commissioner for Human Rights, and to continue further consultations on opening a country office of the OHCHR.

"The Security Council calls upon the Government of Myanmar to urgently grant domestic and international media organisations full and unhindered access to Rakhine State and throughout the country and to ensure the safety and security of media personnel.

"The Security Council requests the Secretary-General to continue to provide his good offices and to pursue his discussions with the Government of Myanmar, involving all relevant stakeholders, to offer assistance to the Government of Myanmar in this regard and encourages him to consider, as appropriate, appointing a Special advisor on Myanmar.

"The Security Council remains determined to continue to closely follow the situation in Myanmar and requests the Secretary-General to brief the Security Council on developments on the situation in Rakhine after 30 days from the adoption of this statement."

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Statement by the President of the Security Council

At the 8087th meeting of the Security Council, held on 7 November 2017, in connection with the Council's consideration of the item entitled "The situation concerning the Democratic Republic of the Congo", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council has reviewed the provisions of UN Security Council resolution 2360, in light of the final report submitted by the Group of Experts on the DRC. No further adjustments to the measures outlined in resolution 2360 are necessary at this time.

"The Security Council reiterates the need for the Government of the DRC to fully investigate the killing of the two members of the Group of Experts and bring the perpetrators to justice. It notes in this regard the decision by the Secretary General (letter S/2017/917 of 31 October 2017), agreed with the Congolese authorities, to deploy a United Nations team to assist the Congolese authorities in their investigations, and the intention of the Secretary General to report to the Security Council about the work of the team. It welcomes the cooperation of the Congolese authorities with the United Nations enquiries, as well as with law enforcement investigations that are or may be conducted by Sweden or the United States, and looks forward to the Congolese authorities continued cooperation in accordance with DRC national legislation. The Security Council further takes note of the conclusions of the UN Board of Inquiry, and expresses its intention to continue to return to them. It welcomes the Secretary General's commitment that the United Nations will do everything possible to ensure that the perpetrators are brought to justice. The Security Council recalls its decision in paragraph 3 of resolution 2360 (2017) that acts that undermine the peace, stability or security of the DRC include planning, directing, sponsoring or participating in attacks against MONUSCO peacekeepers or United Nations and associated personnel, including members of the Group of Experts, and expresses its readiness to designate individuals and groups responsible for such attacks for sanctions.

"The Security Council encourages the Group of Experts to consider, within the current mandate and in consultations with the Financial Action Task Force (FATF) and established international mechanisms, as well as in cooperation with relevant Congolese authorities, issues related to illicit financial activity, including money laundering operations, supporting the activities of armed groups and criminal networks involved in destabilizing activities in the DRC. In that regard, the Security Council welcomes the decisions of the International Conference of the Great Lakes Region (ICGLR) at its 7th summit on 19 October

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2017 regarding the fight against illegal exploitation of natural resources in the Great Lakes region and encourages member States to further increase cooperation in fighting illegal exploitation and trade of natural resources, including gold or wildlife. The Security Council further encourages the Group of Experts to work with States and relevant international organizations, such as the International Civil Aviation Organization (ICAO) and the International Air Transport Association (IATA), so they can produce recommendations to streamline and enhance the control of unwrought gold transported in carry-on luggage."